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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,240	03/16/2001	Takashi Kuwabara	FUJA 18.482	8370
26304	7590	09/08/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			SAM, PHIRIN	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2661	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/810,240

Applicant(s)

KUWABARA, TAKASHI

Examiner

Phirin Sam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

PHIRIN SAM  
PRIMARY EXAMINEE

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi (U.S. Patent 6,122,250).

Taniguchi discloses the invention (**claims 1 and 5**) as claimed including a channel reassignment method comprising the steps of:

- (a) at a starting point of a reassignment section, making a bridge setting for transmitting a signal on a source channel also onto a destination channel (see Fig. 6, element 17, col. 12, lines 42-44, 53-55);
- (b) interlinking the pointer operation of said destination channel with said source channel in all pointer circuits located along said reassignment section (see Fig. 6, element 11, col. 12, lines 30-35);
- (c) switching the signal from the source channel to the destination channel after performing steps (a) and (b) (see Fig. 6, elements 12 and 13, col. 12, lines 56-60);

Taniguchi does not implicitly disclose the pointer clearing and the bridge clearing. However, Taniguchi inherently discloses these elements. As illustration, Taniguchi discloses on column 12, lines 31-33 that the pointer processing unit 11 discriminates the starting position of the signal multiplexed by the pointer. When a failure occurs, the pointer processing unit 11 will

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process and point to the alternate, spare, or protect channel (slot, path, line, or link) for allowing the switch 12 to physically switch from working channel to protect channel. Inherently, when the failure is clear, the processing pointer unit 11 will reset and point to the original channel and the same is true for the bridge setting. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to perform pointing and bridging to the alternate channel when the working channel fails. The motivation for doing so would have been to provide to carry out the switching at a high speed after the detection of a failure and squelch processing becomes necessary, so that this squelch processing must also be carried out at a higher speed (see column 1, lines 55-60). Therefore, it would have been obvious that Taniguchi discloses all elements of the instant invention as specified in the claims 1 and 5.

***Allowable Subject Matter***

3. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 6 and 7 are allowed.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Van Doren et al (U.S. Patent 2003/0076831) discloses mechanism for packet component merging and channel assignment, and packet decomposition and channel reassignment in a multiprocessor system.

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(2) Solomon et al (U.S. Patent 5,467,334) discloses packet data transmission with asynchronous bandwidth switching.

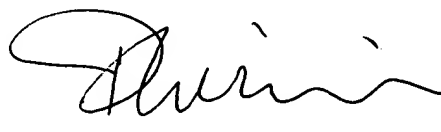
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (571) 272 - 3079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: September 3, 2004

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

PHIRIN SAM  
PRIMARY EXAMINER